



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,250	12/27/2000	Jea-Yong Yoo	2950-0181P-SP	4718

2292 7590 06/07/2006

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

KE, PENG

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,250

Applicant(s)

YOO ET AL.

Examiner

Peng Ke

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 0206.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/07/00
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2174

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 3/2/05.

This Action is Made Final.

Claims 1-14 are pending in this application. Claims 1 and 9 are independent claims. In the Amendment, filed on 3/2/05, claims 1 and 9 were amended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8-9 and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Humpleman et al. US-6,182,094 B1.

As per claim 1, Humpleman et al teach a method of menu-based remote control of external devices that are connected to an audio/video apparatus having a display device (col. 23, lines 32-59), comprising the steps of

- a. displaying on the display device, a first menu image including a first plurality of menu items, each of the first plurality of menu items menu item corresponding to each of the external devices, such that a selected external device from the external devices is selected from the first plurality of menu items (704, 712, Fig. 10; col. 15, lines 40-47);
- b. requesting a second menu image from the selected external device, the second menu image including a second plurality of menu items associated with operations of the

Art Unit: 2174

selected external device, each of the second plurality of menu items being arranged in a specific position region in the second menu image; (804, 806, 706, Fig. 10; col. 15, lines 56-62);

c. receiving the second menu image from the selected external device and displaying the second menu image on said display device in place of the first menu image previously display on said display device (col. 13, lines 30-68), the second menu image being displayed without performing an additional image construction process; and (col. 15, lines 63-65).

d. obtaining a position of a cursor on the second menu image displayed on said display device in response to a user input and transmitting the position of the cursor to the selected external device, the selected external device performing an operation corresponding to one of the second plurality of menu items when the selected external device detects the position of the cursor within the specific position region of the one of the second plurality of menu items and displaying the result of said operation on said display device in place of any image previously displayed (col. 13, lines 30-68).

As per claim 2, Humpleman et al teach the method wherein each of the first plurality of menu items corresponds to each of the external devices that are connected to the audio/video apparatus through an IEEE 1394 interface (100, Fig. 1; col. 6, lines 10-15).

As per claims 3 and 5, Humplenman et al teach the method comprising the step of checking what external devices are connected before step (a) and the method wherein the

Art Unit: 2174

checking step is performed when communication with the external devices through the common

bus before the step (col. 11, lines 35-67 - col. 12, lines 1-11).

As per claim 4, Humpleman et al do not explicitly teach the method wherein the checking step is performed in response to a user request of the first menu image for selection of the external device. However, such a step would have been inherent to the system because the user must initiate certain actions or operations such as turning on the software agent system (Col. 9, lines 22-26) in order to see the availability of all the devices through the menu image.

As per claim 8, Humpleman et al teach a method further comprising the step of transmitting information about the current position of a cursor (user selection on PC is done with cursor) on the menu image displayed in step (c) to the selected external device, wherein the user input includes an entry of a selection key by a user (Col. 15, lines 40-65).

As per claim 9, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 11, Humpleman et al. teach the method of claim 9 wherein the user input includes an entry of a selection key by a user (selection by user) (col. 17, lines 54-63).

As per claim 12, Humpleman et al. teach the method of claim 9 further comprising the step of checking if the external device is connected through a common bus before the step (a) (transmission signals confirm connection) (col. 5, lines 39-46).

Art Unit: 2174

As per claim 13, Humpleman et al. teach the method of claim 13, wherein the checking step is performed in response to a user request of the first menu image for selection of the external device (col. 13, lines 30-68).

As per claim 14, Humpleman et al teach the method wherein the checking step is performed when communication with the external device through the common bus is possible
(security system operates through the bus) (Fig. 1, 118).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7, and 10 are rejected under 35 USC 103(a) over Humpleman et al, US 6,182,094 B1 in view of Kim, US-6,133,911.

As per claim 6, Humpleman et al disclose the method of claim 1 but do not explicitly teach a method comprising the step of displaying the one of the second plurality of menu items differently from the other menu items of the second plurality of menu items on the second menu image when a cursor is positioned over the menu items during the movement of the cursor. However, such a feature is well known in the art. For instance, Kim teaches a method comprising the step of displaying a menu item differently from other menu items on the menu images displayed in step (c) when a cursor is positioned over the menu item during the movement of the cursor (S423, Fig. 4). It would have been obvious to one of ordinary skill in the art at the time to combine the teachings of Humpleman et al and Kim to incorporate a display change upon cursor contact in order to visually aid a user's interaction with the system.

As per claim 7, Kim further teaches the method wherein the one of the second plurality of menu items over which the cursor is positioned is displayed differently from

Art Unit: 2174

other menu items of the second plurality of menu items on the basis of information about the positions of the second plurality of menu items on the menu image, the information being provided by the selected external device (control device) (S423, Fig. 4; col. 4, lines 49-60).

As per claim 10, Humpleman et al disclose the method of claim 9 but do not teach a method wherein the second menu item changes color and/or brightness when the external device detects the position of the cursor within the specific position region of the second menu item.

However, Kim teaches a method wherein a menu item over which the cursor is positioned during the movement of the cursor is displayed differently from other menu items in color and/or brightness (S420, S423, Fig. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Humpleman et al and Kim in order to visually aid a user's interaction with the system.

Response to Argument

Applicant's arguments filed on 7/27/2004 have been fully considered but they are not persuasive.

Applicant argues that Humpleman et al. fails to teach displaying the second menu image on said display device in place of the first menu image previously displayed on said display device, the second menu image being displayed without performing an additional image construction process.

Examiner disagrees.

Art Unit: 2174

The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, Humpleman teaches this limitation because the session manager of would replace a first menu with a second menu based on prior selection and capability of devices. (column 9, lines 20-38) The session manager accomplishes this by replacing a menu that has functional buttons with a menu that has graying out non-functional buttons. (column 9, lines 20-38)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2174

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100